

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**BRYAN BARTLETT and ELIZABETH
BARTLETT, Individually and as Mother
and Next Friend of ANGELA L. BARTLETT,
BRYAN K. BARTLETT, JR., AND,
CHRISTOPHER C. BARTLETT,
Plaintiffs**

CIVIL ACTION NO.: 03-cv-12349-PBS

v.

**DANIEL O'CONNELL'S SONS, INC.,
Defendant**

**JOINT MOTION OF PARTIES TO POSTPONE COURT-SPONSORED
MEDIATION AND TO EXTEND SUMMARY JUDGMENT DEADLINE**

The parties to this action respectfully request that the Court-sponsored mediation now scheduled before Magistrate Judge Kenneth P. Neiman in Courtroom 3 (Springfield) on Friday, August 26, 2005 will be postponed indefinitely. The parties also request that the deadline for filing summary judgment motions will be extended from August 30, 2005 to October 10, 2005. As grounds for their motion, the parties state that they have committed to attend private mediation on Monday, September 26, 2005. Extending the summary judgment deadline will allow the defendant the option of filing a motion for summary judgment in the event that mediation on September 26, 2005 does not result in settlement.

WHEREFORE, the parties respectfully request that their motion will be granted.

Respectfully submitted,

The Plaintiff, Bryan Bartlett,
By his Attorney,

/s/Nicholas S. Guerrero
Nicholas S. Guerrero, BBO# 551475
Shaheen Guerrero & O'Leary, LLC
Jefferson Office Park
820A Turnpike Street
North Andover, MA 01845
(978) 689-0800

The Defendant, Daniel O'Connell's Sons,
Inc.
By its Attorneys,

/s/ William P. Mekrut
William P. Mekrut, Esq., BBO#654350
Richard J. Riley, Esq., BBO#420610
Murphy & Riley, P.C.
141 Tremont Street
Boston, MA 02111
(617) 423-3700

Dated: August 23, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by ECF pursuant to Fed. R. Civ. P. 5.

/s/Nicholas S. Guerrero
Nicholas S. Guerrero

Dated: August 23, 2005